

DEC 01 2008

PTOL-413A (10-07)  
Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 09/654,025

First Named Applicant: Mark L. Yoseloff

Examiner: Robert E. Mosser

Art Unit: 3714

Status of Application: Pending

Docket No.: 115582-06

## Tentative Participants:

(1) Renato L. Smith

(2) Robert T. Clarke

(3)

(4)

Proposed Date of Interview: Dec. 3 or 5

Proposed Time: anytime AM/PM

## Type of Interview Requested:

(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☒ YES☐ NO

If yes, provide brief description: Please see Exhibit A

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) All rejections			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Please see Exhibit A

An interview was conducted on the above-identified application on \_\_\_\_\_.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Renato L. Smith

November 26, 2008

Typed/Printed Name of Applicant or Representative

45,117

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Serial No. 09/654,025

Docket No. 115582-08

Interview Request Submitted on November 26, 2008

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DEC 01 2008  
Page 1 of 7**EXHIBIT A – INTERVIEW REQUEST****Summary of Discussion Points**

1. Under the Office Action's interpretation of O'Halloran, the gaming device resulting from the combination of the Bennett, O'Halloran, and Schultz does not disclose: (1) determine if any of the winning conditions are present without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; and (2) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present taking into account the wild function.

2. The incorporation of the selection of the wild position as taught by Schultz into the game of Bennett/O'Halloran would destroy the intended purpose of the game of Bennett/O'Halloran.

3. Proposed claim amendments.

Serial No. 09/654,025

Docket No. 115582-06

Page 2 of 7

Interview Request Submitted on November 26, 2008

**Discussion Points 1 and 2**

The Office Action rejected claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46, 48, 50-51, 54-56 and 58-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,251,013 to Bennett ("Bennett") in view of U.S. Pat. No. 6,439,993 to O'Halloran ("O'Halloran") in further view of U.S. Pat. No. 5,332,228 to Schultz ("Schultz"). Applicant respectfully disagrees for at least the following reasons.

The Abstract of Bennett discloses:

A gaming machine having a display and game control, the game control being arranged to play a game wherein a plurality of symbols are randomly selected from a predetermined set of symbols and displayed in rows on the display and if a winning combination of symbols results, the machine pays a prize. In a first aspect, a triggering event invokes a game feature in which a sprite randomly designates one or more of the symbols displayed on the display to be treated as special symbols for that particular game and a prize is awarded for any winning combinations formed with one or more of the special symbols. Embodiments of the special symbol include a wild card symbol and a scatter symbol. In a second aspect, the sprite designates the win meter or the credit meter, causing the amounts shown on the win meter and credit meter to increase. (emphasis added).

Column 1, Lines 61 to 67 of Bennett discloses:

the game being characterised in that upon the occurrence of a predetermined triggering event, a game feature is invoked wherein a sprite randomly designates one or more of the symbols displayed on the display means to be treated as special symbols for that particular game and a prize is awarded for winning combinations formed with one or more of the special symbols.

The Abstract of O'Halloran discloses:

A method and apparatus concerning the operation of gaming machines is provided. The method generally comprises providing a gaming machine having a plurality of simulated spinning reels capable of displaying a wild card symbol at any of the reels. According to the present invention, upon the appearance of a first wild card symbol, additional wild card symbols may appear, providing the player with additional opportunities to win a prize, or to win an additional prize. The apparatus of the present invention

Serial No. 09/654,025

Docket No. 115582-06

Page 3 of 7

Interview Request Submitted on November 26, 2008

is directed to a gaming machine capable of displaying simulated spinning reels having a plurality of symbols, and capable of displaying a wild card symbol. If a first wild card symbol has been displayed, the apparatus then displays an additional one or more wild card symbols, providing the player with an additional opportunity to win a prize, or to win an additional prize. The present invention is particularly well-suited to increasing player interest in a gaming machine by increasing the ways in which playing the game may result in the award of a prize. (emphasis added)

Column 1, Lines 9 to 11 of O'Halloran discloses:

the player selects the number of win lines and the number of credits to be wagered per win line per play, then sets the reels spinning by activating a play pushbutton.

Column 1, Lines 48 to 54 of O'Halloran discloses:

It is preferred that there are three win lines. Further, the wild cards can be caused to substitute on adjacent reels so as to be contiguous on a win line. In one embodiment there can be five reels, meaning the number of wild cards will be an original (or triggering) one, and one to four further (or expanding) ones. That is, the wild cards can substitute for every original/other symbol on a win line.

The Abstract of Schultz discloses:

An improved stud poker game which requires no decisions from the player after the initial bet is placed. Each hand has one guaranteed wild card that appears at a card position which is predetermined, and shown to the player, before the player's cards are dealt. In addition to the one guaranteed wild card, all like-valued cards in the hand are also wild. Also, there are a number of novel and entertaining ways to determine the wild card position. The game is adaptable to both video play and table play formats.

Column 8, Line 33 to Column 9, Line 11 of Schultz discloses:

9. A method for playing a table poker game, involving a dealer, playing cards and a table occupied by one or more players, comprising the steps of . . . (d) determining, by a selection means, which card position out of the plurality of positions for each player will be the wild card position for that player . . . .

The method of claim 9 wherein the wild card position determined in step (d) is selected by each player for that player's own hand.

Serial No. 09/654,025

Docket No. 115582-06

Interview Request Submitted on November 26, 2008

Page 4 of 7

Page 5 of the Office Action states:

Bennett . . . is arguably silent regarding the limiting of the active features to only the active paylines.

Page 6 of the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the selection of the at least one wild position as taught by O'Halloran into the game of Bennett because such a combination would have represented the combination of known elements and techniques yielding predictable results.

Page 7 of the Office Action states:

The combination of Bennett/O'Halloran however, is arguably silent regarding a separate selection of at least one indicia position separate from the selection of a payline . . . .

Schultz teaches a separate step of allowing a player to select at least one indicia position to be a wild position separate from the selection of a payline (*Schultz* col 9:9-11). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the selection of the at least one wild position as taught by Schultz into the game of Bennet/O'Halloran because such a combination would have represented the combination of known elements and techniques yielding predictable results.

1. Independent claim 23, includes, among other elements, "if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the wild function" and "if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present taking into account the wild function . . . ." Applicant submits that the gaming device resulting from the combination Bennett, O'Halloran and Schultz does not disclose the foregoing elements.

Serial No. 09/654,025

Docket No. 115582-06

Interview Request Submitted on November 26, 2008

Page 5 of 7

2. Moreover, Applicant submits that the incorporation of the selection of at least one wild position as taught by Schultz into the game of Bennet/O'Halloran would destroy the intended purpose of the gaming device resulting from the combination of Bennett/O'Halloran. In O'Halloran, the player selects a number of win lines and then set the reels spinning by activating a play pushbutton. As referenced in the Office Action, O'Halloran discloses that in one embodiment when a wild symbol appears in one of the reels on a win line, the gaming device can cause all of the other symbols on that win line to be substituted as wild symbols. That is, when the gaming device of O'Halloran displays a trigger symbol (i.e., a wild card symbol), at least one further wild card symbol substitutes for at least one of the other displayed symbols. However, in the embodiment where each of the other symbols are substituted as wild symbols on a win line if one of the trigger symbol appears, if the player in O'Halloran is enabled to simply select the wild symbol position, then the trigger symbol would always occur and thus for each spin of the reels every symbol on the win line would always be a wild symbol. Accordingly, the incorporation of the selection of the wild position as taught by Schultz would destroy the intended purpose of the gaming device resulting from the combination of Bennett/O'Halloran.

Serial No. 09/654,025

Docket No. 115582-06

Page 6 of 7

Interview Request Submitted on November 28, 2008

3. Applicant is considering various options for claim language which are underlined below. Applicant would like to discuss these options in relation to the cited prior art.

(proposed amendment to claim 23): A gaming device comprising:

at least one display device;

a game operable upon a wager, the game including a plurality of reels displayable by the at least one display device, each of the reels defining a plurality of locations for a plurality of symbols, the reels displaying a plurality of different combinations of the symbols after the reels are spun at least one time, the different combinations being positioned along a plurality of different pay lines;

a plurality of winning conditions associated with a plurality of the combinations;

an award associated with each one of the winning conditions;

at least one wild function which is:

- (a) operable on a first one or more of the symbols in a first one of the combinations, the first one or more symbols being positioned along a first one of the pay lines;
- (b) inoperable on a second one or more of the symbols in a second one of the combinations, said second one or more symbols being positioned along a second one of the pay lines, the first combination being different from the second combination; and
- (c) operable to increase a likelihood of meeting at least one of the winning conditions;

at least one input device operable by a player;

a triggering event that occurs in response to a designated one or more of the symbols being displayed during the game; and

a processor in control of the at least one display device, the processor programmed to operate with the at least one display device and the at least one input device to:

- (a) receive an input signal from the input device, the input signal corresponding to the wager;

Serial No. 09/654,025  
Docket No. 115582-06  
Interview Request Submitted on November 26, 2008

Page 7 of 7

- (b) display the reels;
- (c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the additional input resulting in at least one selected location and at least one non-selected location, the additional input being performed independent of any pay line selection;
- (d) display a first spin of the reels resulting in a display of a plurality of the symbols at a plurality of the locations;
- (e) determine whether the triggering event occurs;
- (f) in response to an occurrence of the triggering event, visually distinguish at least one of the locations;
- (g) display a second spin of the reels resulting in a display of a plurality of the symbols at a plurality of the locations;
- (h) for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location;
- ~~(i)(h)~~ if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the wild function;
- ~~(i)(i)~~ if the at least one visually distinguished location is the at least one selected location:
  - (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and
  - (y) determine if any of the winning conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location; and
- ~~(k)(j)~~ provide the player with any of the awards associated with any of the winning conditions that are present.